UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,638	09/22/2000	HISAO NAKAGAWA	862.C2006	8163

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER
NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 August 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-7,9,10 and 69* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-7,9,10 and 69* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Amendment filed 08/07/2006 to the

original application filed 09/22/2000.

Claims 1-2, 4-7, 9-10, and 69 are currently pending in this application. Claims 3, 8, and

11-68 have been canceled. Claims 1 and 9-10 have been amended. Claims 1 and 9-10 are

independent claims.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary
skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
invention was made.*

*This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the
examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions
covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37
CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later
invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35
U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).*

Claims 1-2, 4-10, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wolff (U.S. 6,209,048 – filed 02/1996) in view of **Dan et al.** (U.S. 6,560,639 – filed

12/1999).

As to claim 9:

Wolff teaches a method of controlling an information processing apparatus *(e.g., a*

peripheral control mechanism) for submitting *(e.g., capturing images...integrating them*

with Web documents) document information *(e.g., images, text, sound, video, etc.,)*

including a plurality of images *(e.g., images)* via a network *(e.g., a network) [see the*

Abstract and col.5, lines 30-63], comprising:

- the step of setting, in advance, an image pickup position and an image pickup

  time of an image pickup unit as schedule information; *(e.g., the information*

  sensed by sensor 301 is stored in memory 303.... The stored information is

  obtained by processor 302 and forwarded to the requester...peripheral 200 is also

  able to accept "live" information. The information (e.g., image, text, data, etc.)

  that is currently being sensed may be made available as a document accessible by

  other users coupled to the network...The information being provided may be

  formated in a predetermined manner (e.g., in accordance with the http protocols).

  For instance, a document(s) provided may include pointers or links to other

  related information (e.g., temporally related, content related, etc.) [see the

  discussion beginning at col.7, line 22];

- the step of storing *(e.g., stored)* an image *(e.g., image) which is* obtained by the

  image pickup unit in accordance with the schedule information stored in the

  memory *[see the discussion beginning at col.7, line 14]*;

- the step of designated an image *(e.g., defines "CurrentImage")* among the

  plurality of images *(e.g., images)* in the document information *[see the discussion*

  beginning at col.8, line 11]; and

- the step of creating new document information *(e.g., create Web documents by*

  capturing images and other media... automatically available on the WWW and

  may be easily incorporated into user's Web documents/the camera translates the

  request for CurrentImage.gif into a command to capture an image and send it

  back to a requester in gif format...the HTML document contains all information a

  browser needs for displaying a Web page) [see the discussions beginning at col.5,

  line 54 and col.8, line 11].

Wolff, however, does not specifically teach substituting the designated image by a new

image.

Dan teaches substituting an image in an HTML document by a new image to create a new

HTML document *(e.g., to replace an image...find the image...upload your new*

image...replace the old image with the new one; col.14, lines 43-49/an image "Joe.gif"

to replace with new image, such as, "Jane.gif"...the user may regenerate the web page

or the web site, after replacing the image; col.27, lines 5-10).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to combine the teachings of Dan with Wolff because Dan's teaching

would have allowed users to interface with a web management tool and create and review

changes to a web page directly on the World Wide Web in real-time *(Dan; col.2, lines 6-*

52).

As to claim 10:

Note the rejection of claim 9 above. Claim 10 is the same as claim 9, except claim 10 is a

storage medium claim and claim 9 is a method claim.

As to claim 1:

Note the rejection of claim 9 above. Claim 1 is the same as claim 9, except claim 1 is an

apparatus claim and claim 9 is a method claim.

As to claim 2:

Wolff teaches means for transferring the document information created by the document

creation unit *(e.g., the data captured...automatically available on the WWW and may be*

easily incorporated into user's Web documents) to a network server *(e.g., Web servers)*

[col.5, lines 46-63].

As to claim 4:

Wolff teaches displaying control means for displaying the changed image in a different

pattern *(e.g., see the discussion beginning at col.8, line 16).*

As to claim 5:

Wolff teaches when the image among the plurality of images in the document

information is designated, displaying that image in a pattern different from other images

(e.g., see the discussion beginning at col.8, line 16).

As to claim 6:

Wolff teaches storing an image prepared in advance *(e.g., see the capturing and storing*

images discussion beginning at col.7, line 14), and submitting an image among the

plurality of images in the document information, which is not changed by the image

prepared in advance *(refer to the discussion in claim 9 above regarding substituting /*

replacing images).

As to claim 7:

Wolff teaches the document information is HTML document information *(e.g., see the*

HTML document discussion beginning at col. 8, line 16).

As to claim 8:

Wolff teaches the input schedule includes an image sensing position *(e.g., pointers to current or archived images)* and time *(e.g., temporally related) [e.g., see the discussion beginning at col. 7, line 13]*.

As to claim 69:

Wolff teaches before the designation, images of the plurality of images are displayed to a user, and wherein, after the designation, a display to a user is made that comprises the images that were displayed to the user before the designation, other than the designated image, and the image stored in the image storage unit *[see the discussions beginning at col.5, line 54 and col.8, line 11]*, that, in the substitution, replaces the designated image *(refer to the discussion in claim 9 above regarding substituting/replacing images).*

Response to Arguments

3.   Applicant's arguments filed 08/07/2006 have been fully considered but they are not persuasive.

Applicant argues in substance that Wolff and Dan do not teach a schedule setting unit adapted to set, in advance, an image pickup position and an image pickup time of the

image pickup unit as schedule information and store the schedule information in a

memory [Remarks, page 7].

In response, Wolff's teaching *"the information sensed by sensor 301 is stored in memory*

303.... The stored information is obtained by processor 302 and forwarded to the

requester...peripheral 200 is also able to accept "live" information. The information (e.g.,

image, text, data, etc.) that is currently being sensed may be made available as a

document accessible by other users coupled to the network...The information being

provided may be formatted in a predetermined manner (e.g., in accordance with the http

protocols). For instance, a document(s) provided may include pointers or links to other

related information (e.g., temporally related, content related, etc.)" [see the discussion

beginning at col.7, line 22] reads-on a schedule setting unit adapted to set, in advance, an

image pickup position and an image pickup time of the image pickup unit as schedule

information and store the schedule information in a memory.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

| Suga et al. | U.S. Pat. No. 6,313,875 | Issued: Nov. 6, 2001 |
| Creamer et al. | U.S. Pat. No. 6,930,709 | Issued: Aug. 16, 2005 |

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

Contact information

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-

4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30

pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon can be reached at (571) 272-4136.

The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

MN

H Herndon
Heather R. Herndon
Supervisory Patent Examiner
Technology Center 2100